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By: \_\_\_\_\_

Sarah M. Barnett



PATENT

Customer No. 22,852

Attorney Docket No. 07579.0001-00000

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Reissue Application of:

Graham Edmund KELLY

Reissue Application No.: 09/602,191

U.S. Patent No.: 5,830,887

Filed: June 22, 2000

For: HEALTH SUPPLEMENTS  
CONTAINING PHYTO-  
OESTROGENS, ANALOGUES  
OR METABOLITES THEREOF

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Group Art Unit: 1623

Examiner: Patrick T. Lewis

Confirmation No. 8264

**MAIL STOP AF**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

**UPDATED NOTICE REGARDING RELATED LITIGATION**

Applicant hereby updates the U.S. Patent and Trademark Office on the status of two lawsuits filed in the Southern District of New York, one of which is presently pending.

Applicant previously filed a Notice Regarding Related Litigation on April 24, 2006.

**STATUS OF RELATED LITIGATION**

The first suit, *Novogen Research Pty. Ltd. v. Chattem, Inc.*, was filed on March 8, 2006.

Both U.S. Patent No. 6,562,380 and U.S. Patent No. 6,987,098 are involved in the litigation.

Copies of the relevant documents filed since April 24, 2006, are cited on the enclosed List of

Related Litigation Documents (Doc. Nos. 1-3) and submitted herewith. The litigation is currently pending.

The second suit, *Novogen Research Pty. Ltd. v. Natural Alternatives, Intl.*, was filed February 10, 2005. U.S. Patent No. 6,562,380 is the only patent involved in the litigation. A copy of the relevant document is cited on the enclosed List of Related Litigation Documents (Doc. No. 4) and submitted herewith. The litigation was settled and a permanent injunction was issued on June 30, 2006.

**REMARKS**

If there are any fees due in connection with the filing of this Notice not already accounted for, please charge the fees to Deposit Account No. 06-0916.

Respectfully submitted,

FINNEGAN, HENDERSON, FARABOW,  
GARRETT & DUNNER, L.L.P.

Dated: August 25, 2006

By: Elisabeth Barek  
Elisabeth Jaffe Barek  
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**LIST OF RELATED LITIGATION DOCUMENTS**

<b>Doc. No.</b>	<b>DESCRIPTION</b>
1	PACER Docket Report for Case No. 1:06-cv-01857-BSJ ( <i>Novogen Research Pty. Ltd. v. Chattem</i> ), dated August 10, 2006 (4 pages).
2	Novogen Research Pty. Ltd's Reply to Counterclaims, filed May 2, 2006 (5 pages).
3	Civil Case Management Plan, filed July 26, 2006 (2 pages).
4	PACER Docket Report for Case No. 1:05-cv-01983-PKC ( <i>Novogen Research Pty. Ltd. v. Natural Alternatives, Intl., Inc.</i> ), dated August 10, 2006 (5 pages).